

IN RE: PETITION FOR ZONING VARIANCE
N/S Caves Road, 400' E of
Marbrook Road
(2306 Caves Road)
4th Election District
3rd Councilmanic District
Shel Silbert, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-488-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 35 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified, and were represented by Benjamin Bronstein, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 2306 Caves Road, consists of 1.1 acres zoned R.C. 5, and is improved with a single family dwelling which has been Petitioners' residence for the past 11 years. Petitioners testified they are desirous of converting a portion of the existing deck on the rear of the dwelling to a Florida sunroom. However, due to the location of the house close to the rear property line the requested variance is needed. Testimony indicated the variance will not result in any detriment to the health, safety or general welfare of the community. Further testimony and evidence presented indicated the rear of Petitioners' property is heavily wooded which provides screening between Petitioners' home and houses to the rear of the subject property and as such, the requested variance would not adversely affect surrounding properties.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

missioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of June, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 35 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 8, 1989

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

RE: PETITION FOR ZONING VARIANCE
N/S Caves Road, 400' E of Marbrook Road
(2306 Caves Road)
4th Election District - 3rd Councilmanic District
Shel Silbert, et ux - Petitioners
Case No. 89-488-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

RECEIVED
MAR 24 1989

Description to Accompany
Zoning Variance of the
Silbert Property

EVANS, GEORGE &
BRONSTEIN

Beginning at a point on the north side of the 65' right-of-way line of Caves Road, 400' west the centerline of Marbrook Road. Thence running along the said 65' right-of-way a curve distance of 155.54' whose radius is 965.00'; thence continuing along said right-of-way S 49° 48' 59" W, 45.12'; thence leaving said right-of-way and running the following three courses to the point of beginning: N 47° 18' 14" W, 225.00'; N 42° 41' 46" E, 200.00'; S 47° 18' 14" W, 237.38'. Also beginning known as 2306 Caves Road, lot 45 as shown on the recorded plat E.H.K., Jr., 40/125, containing 1.1 acres more or less.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th
Posted for: Variance
Petitioner: Shel Silbert, et ux
Location of property: N/S of Caves Road, 400' West of
Marbrook Road (2306 Caves Road)
Location of Sign: Elm front of 2306 Caves Road
Remarks: [Signature]
Posted by: [Signature]
Date of return: May 19-89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 12, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 11, 1989.

OWINGS MILLS TIMES,

S. Zabe Olson
Publisher

PO13015
reg 128942
co 89-488-A
price \$ 0.00 - ad did not run in OM T
last week like it was supposed
to. This run free

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 5-19-89

Mr. & Mrs. Shel Silbert
2306 Caves Road
Owings Mills, Maryland 21117

Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 89-488-A
N/S Caves Road, 400' E. of Marbrook Road
2306 Caves Road
4th Election District - 3rd Councilmanic
Petitioner(s): Shel Silbert, et ux
HEARING SCHEDULED: TUESDAY, MAY 30, 1989 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$6.12 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 068007
DATE 5/30/89 ACCOUNT R-01415-000
AMOUNT \$ 86.12
RECEIVED FROM Shel Silbert, et ux
FOR P.A. 5/30/89 Hearing 89-488-A
B 8125*****881215-000
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-488-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3 B.3.50. ESTIM. A. 50 ft. BACK, 50 ft. SIDE, 10 ft. REAR... the rear lot line in lieu of the minimum required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Configuration of lot.
2. Such other and further reasons as may be advanced at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) SHELL SILBERT
Signature: BONNIE SILBERT
Address: 2306 CAVES ROAD
City and State: OWINGS MILLS, MD 21117
Attorney for Petitioner: EVANS, GEORGE & BRONSTEIN & BENJAMIN BRONSTEIN
(Type or Print Name)
Address: 29 W. SUSQUEHANNA AVENUE, STE. 205
City and State: TOWSON, MARYLAND 21204
Attorney's Telephone No.: (301) 296-0200
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Name: SHELL SILBERT
Address: 2306 CAVES ROAD
Phone No: 211-1117

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of May, 1989, at 2 o'clock P.M.
J. Robert Haines
Zoning Commissioner of Baltimore County

EXHIBIT LENGTH OF HEARING 10 min. (over)
DATE 5/19/89

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-488-A
N/S Caves Road, 400' E. of Marbrook Road
2306 Caves Road
4th Election District - 3rd Councilmanic
Petitioner(s): Shel Silbert, et ux
HEARING SCHEDULED: TUESDAY, MAY 30, 1989 at 2:00 p.m.

Variance to permit a setback of 35 ft. from the rear lot line in lieu of the minimum required 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Silbert
Benjamin Bronstein, Esq.
File:

389

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

WALLACE DANN
COUNSEL

March 24, 1989

HAND DELIVERED

Mr. John Lewis
Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 389

Dear Mr. Lewis:

Reference is made to the filing of the variance in the above entitled matter. At the time of filing you requested that I secure revised plats and a description in that the plats filed with the petition did not show the house dimensions or the set-back of adjoining houses.

I am therefore enclosing 10 copies of the revised plat together with three copies of the description. I would appreciate your promptly circulating this submission for comments and setting this matter in for a hearing at the earliest date possible.

Very truly yours,
EVANS, GEORGE & BRONSTEIN
[Signature]
Benjamin Bronstein

BB/bjs
Enclosures

PETITIONER(S) EXHIBIT (2)



89-488-A

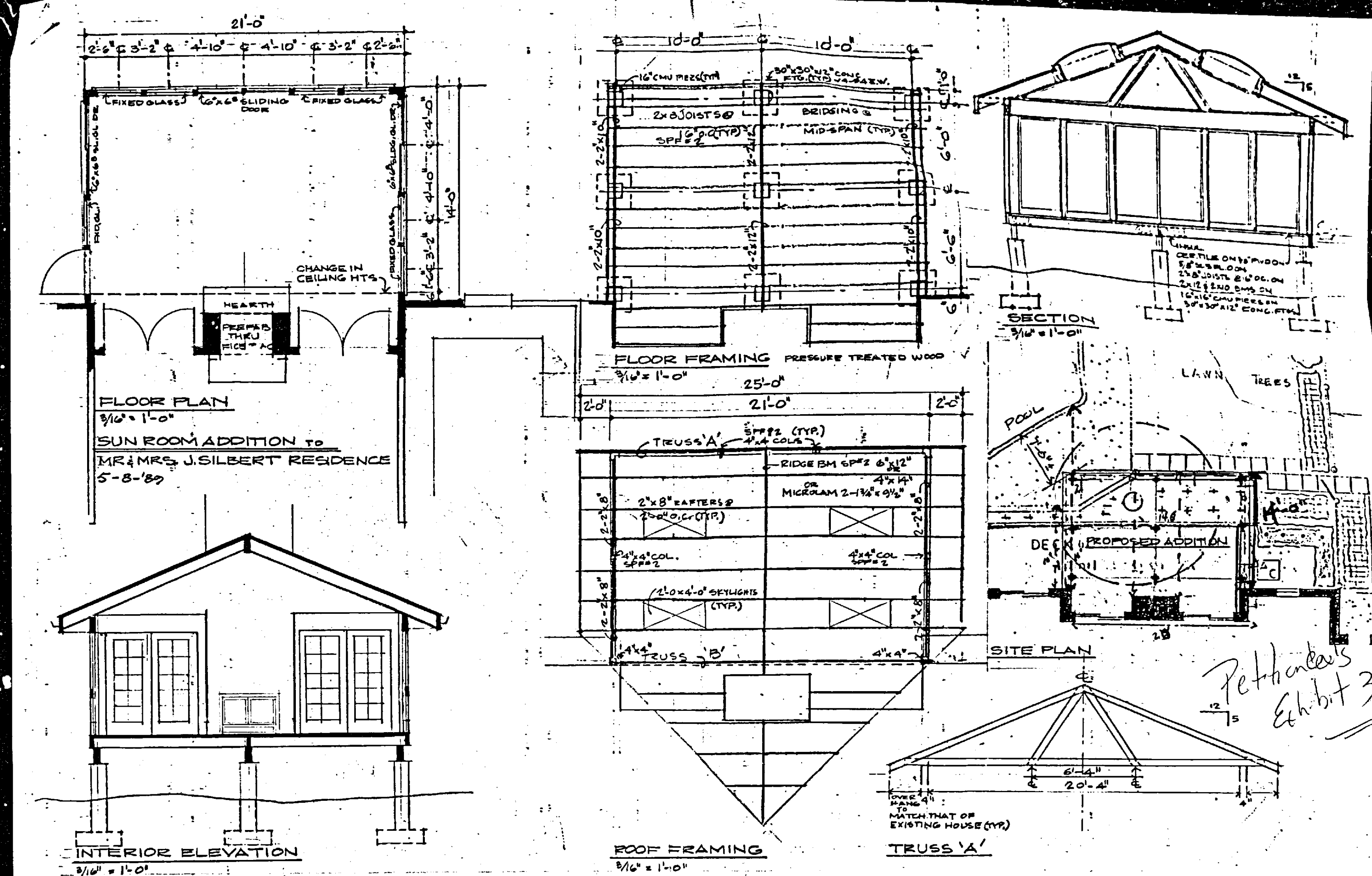
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

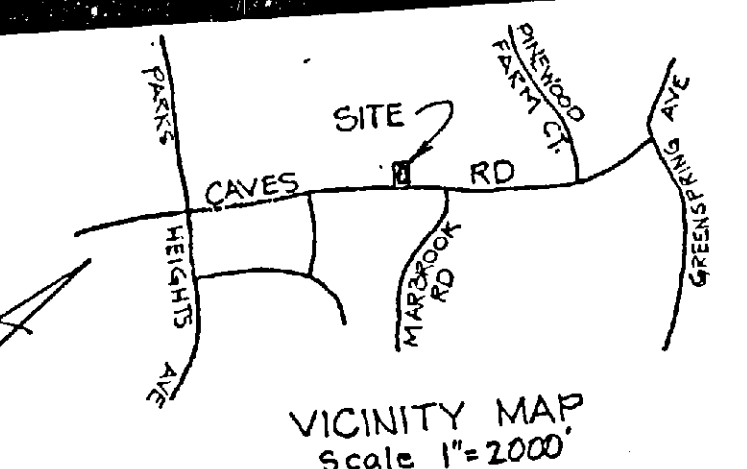
Your petition has been received and accepted for filing this
5th day of April, 1989.

Petitioner: Shel Silbert, et ux
Petitioner's Attorney: Benjamin Bronstein

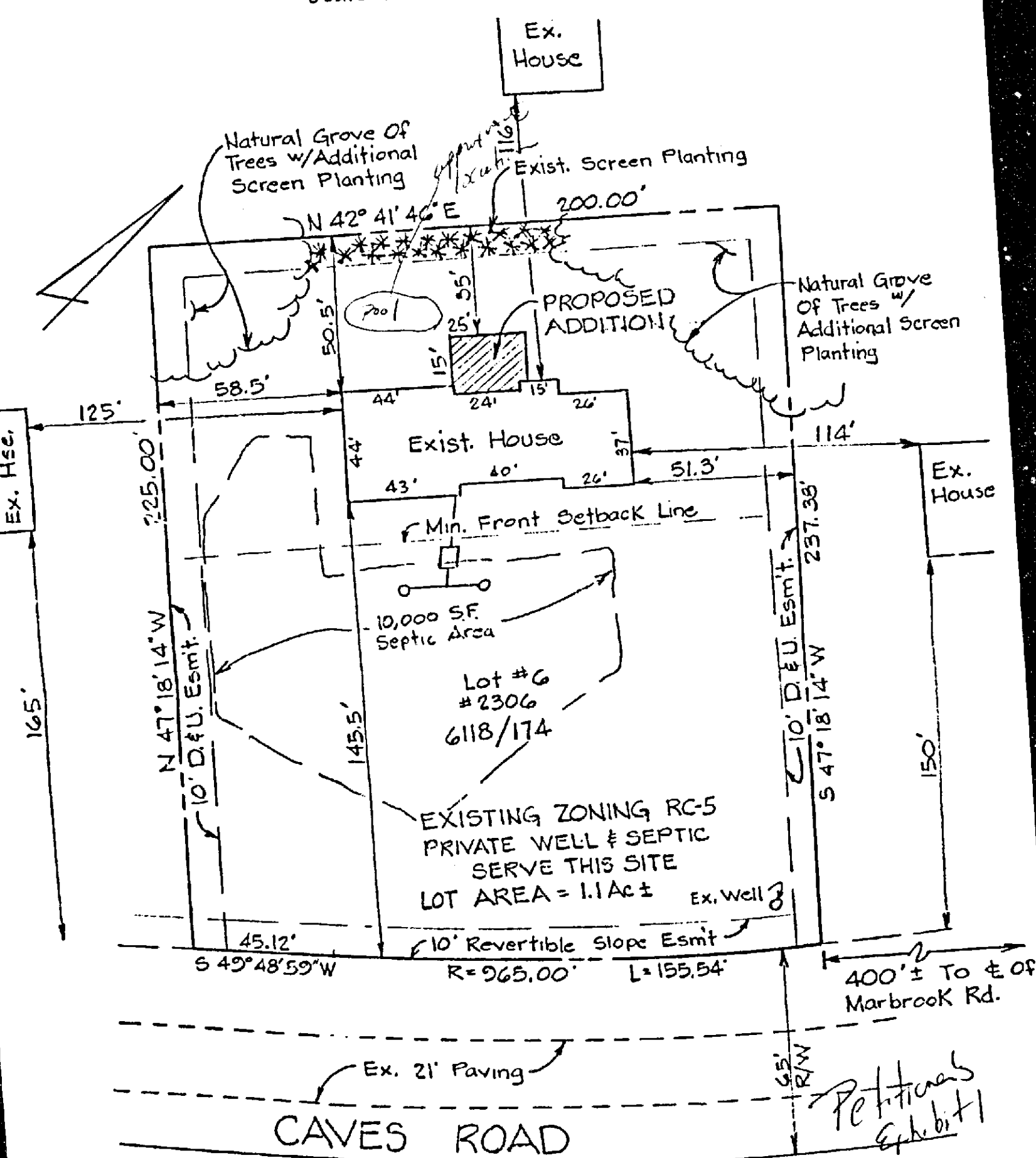
[Signature]
J. Robert Haines
ZONING COMMISSIONER
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee



Petitioner's
Exhibit 3

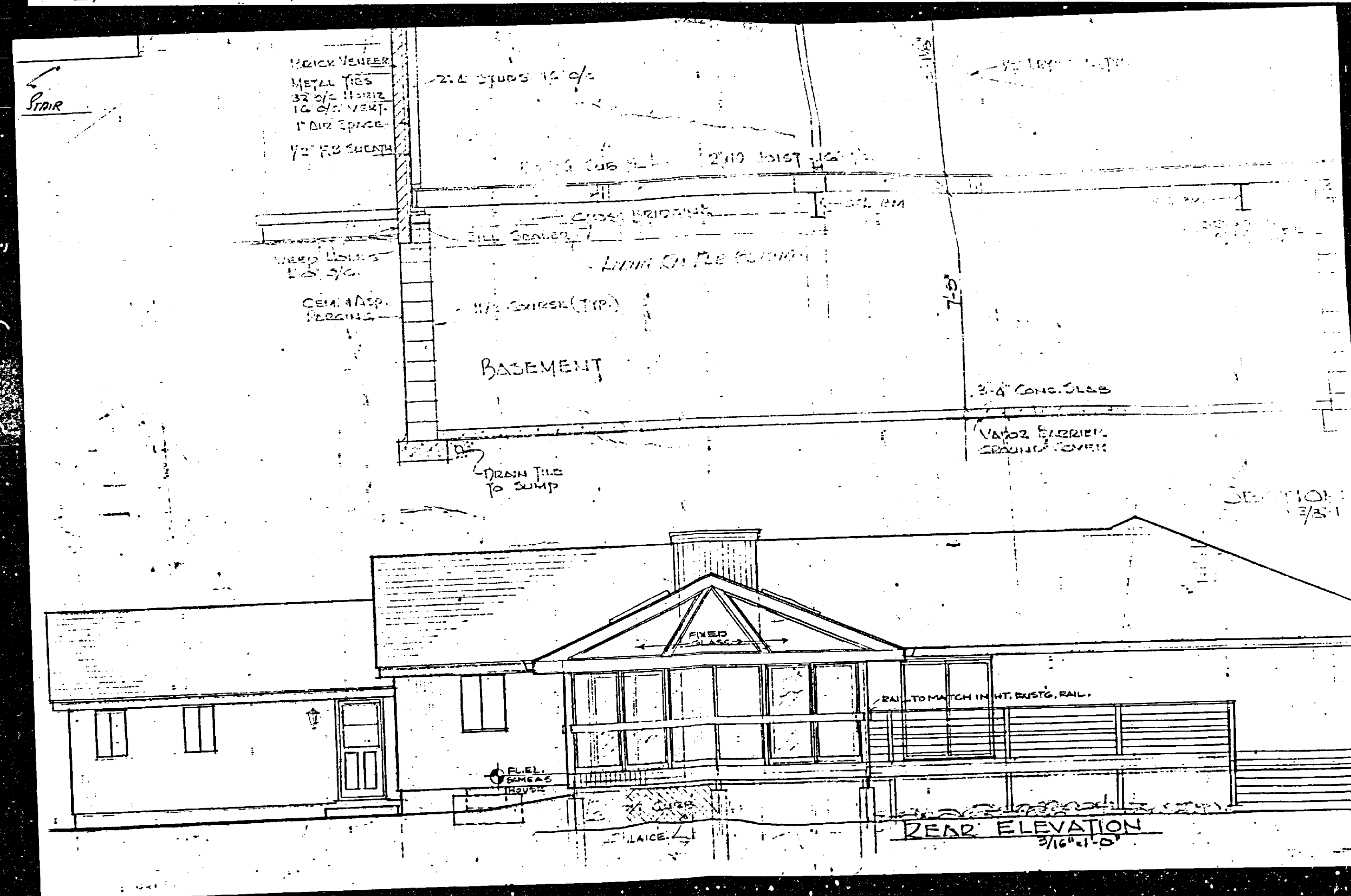


389



PETITIONER/OWNER
BONNIE & SHEL SILBERT
PLAT FOR ZONING VARIANCE
Simon Varuta Property EHK Jr. 40/125
Baltimore, Md. Elect. Dist. 4
Scale 1"=40'
1/17/88

W. DUVALL & ASSOCIATES, INC.
530 E. Joppa Road
Towson, Md. 21204
583-9571



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 4, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No. 389, Case No. 89-488-A
Petitioner: Shel Silbert, et ux
Petition for Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Shel Silbert
2306 Caves Road
Owings Mills, MD 21117

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 25, 1989



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 274, 359, 383, 384, 389, 393, 394, 395, 396, 397, and 398.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
APR 28 1989

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Shel Silbert, et ux

Location: N/S Caves Road, 400' E of Marbrook Road

Item No.: 389

Zoning Agenda: April 4, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Kelly* 3-31-89
Planning Group
Special Inspection Division

Noted and
Approved: *Pat Kelly*
Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: 4/21/89

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMENTS

Case No. 89-488-A
Item NO. 389

Re: Shel Silbert, et ux

The Petitioners request a variance to allow a rear yard setback of 35 feet in lieu of the required 50 feet. In reference to this request, this office offers no comment.

A:53089.txt pg.3

cc: Mr. & Mrs. Silbert